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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1973

NO. 73-44

RICHARD CLEMMONS MORRISON

PETITIONER,

VERSUS

STATE OF FLORIDA,

RESPONDENT.

ON PETITION FOR WRIT OF CERTIORARI TO
THE DISTRICT COURT OF APPEAL OF FLORIDA
FOURTH DISTRICT

BRIEF FOR RESPONDENT IN OPPOSITION

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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1973

No._____

RICHARD CLEMMONS MORRISON

Petitioner,

versus

STATE OF FLORIDA,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE DISTRICT COURT OF APPEAL OF FLORIDA FOURTH DISTRICT

BRIEF FOR RESPONDENT IN OPPOSITION

OPINIONS BELOW

The opinion of the District Court of Appeal of Florida, Fourth District, to which the Petition for Writ of Certiorari is directed, is reported at 268 So.2d 207

(4DCA Fla. 1972). Petition for Writ of Certiorari filed in the Supreme Court of Florida, was denied on February 19,1972. The decision of the Supreme Court of Florida is reported at 274 So.2d 232. (Both opinions are contained in the Appendix of the Petition).

JURISDICTION

The decision of the District Court of Appeal of Florida, Fourth District, entered on October 13, 1972, became final upon denial of Petition for Rehearing on November 14, 1972, and determination by the Florida Courts became final upon denial of Petition for Rehearing by the Supreme Court of Florida on March 22,1973.

Petitioner invokes jurisdiction of this Court pursuant to 28 U.S.C. § 1257(3) and Rule 19 (1)(a) of the Rules of the

Supreme Court of the United States.

QUESTION PRESENTED

Was Petitioner's Right of Due Process of Law, denied by the trial court when it denied Petitioner's motion for withdrawal of his plea of nolo contendere based upon a breach in negotiations of such a plea.

STATEMENT

On September 8, 1970, an amended information was filed in the Court of Record, Broward County, Florida, charging Petitioner with breaking and entering with intent to commit grand larceny (Appendix B of petition). The case was scheduled for trial on May 3, 1971.

At a hearing held on April 29, 1971, Petitioner's counsel represented to the trial court that a plea had been negotiated